

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ASSURANCE CO. OF AMERICA, et
al.,

2:09-CV-1182 JCM (PAL)

Plaintiffs,

V.

NATIONAL FIRE & MARINE INS.
CO.,

Defendant.

ORDER

Presently before the court is plaintiff Assurance Company of America's partial motion for summary judgment. (Doc. #8).

On September 22, 2009, the motion was stayed pending resolution of defendant National Fire & Marine Insurance Company's motion to dismiss. (Doc. #15). Although the motion to dismiss was denied, the stay on the partial motion for summary judgment was continued. (Doc. #25). Plaintiff filed a motion to lift the stay (Doc. #35), which the court denied (doc. #40).

Accordingly, the motion for partial summer judgment (Doc #8) is denied at this time. Once this court lifts the stay, and determines the parties may address the merits of a motion for summary judgment, the plaintiff may re-file its motion for partial summary judgment.

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IT IS HEREBY ORDERED, ADJUDGED AND DECREED that plaintiff's motion for partial summary judgment (Doc. #8) be, and the same hereby is DENIED without prejudice.

4 DATED July 26, 2010.

James C. Mahan
UNITED STATES DISTRICT JUDGE